

October 13, 2004

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: WT Docket No. 02-55
Written Ex Parte Presentation

Dear Ms. Dortch:

CTIA – The Wireless Association™ (“CTIA”), on behalf of the 800 MHz carriers, submits the following letter with regard to the above-referenced proceeding. Recent press reports indicate that the Commission may consider an *erratum* or *sua sponte* order on reconsideration to address several issues in the *Report and Order* (FCC 04-168) adopted July 8, 2004. In that regard, CTIA hereby requests that the Commission address certain aspects of the interference abatement framework, which sets forth detailed obligations for 800 MHz cellular and ESMR carriers to follow in the event of an unacceptable interference incident. CTIA urges the Commission to address the implementation issues identified below in order to enable cellular and ESMR carriers to effectuate a targeted, efficient, and meaningful interference abatement program.

Interference Resolution Procedures. New Sections 22.972 and 90.674 governing cellular and ESMR carriers respectively set forth an initial notification procedure whereby a non-cellular 800 MHz licensee that “reasonably believes” it is receiving harmful interference may initiate an interference resolution procedure involving all cellular and ESMR licensees who operate base stations within 5,000 feet of the interference incident. Cellular and ESMR carriers must respond to the notification within 24 hours and must complete an interference analysis and initiate corrective action within 48 hours of a complaint by a public safety or critical infrastructure industry (“CII”) licensee (these response times may be extended to 48- and 96-hours, respectively, in response to complaints by other non-cellular 800 MHz licensees). CTIA urges the Commission to address the following points.

- *Initial Notification Information.* The rules require a Part 90 non-cellular licensee to provide certain information in the initial notification, including the geographic location, time(s) at which

interference occurred, and a description of the scope and severity of the incident. The Commission should require additional threshold information in order to facilitate an appropriate response and remediation effort within the short timeframe established in the rules. Specifically, a non-cellular 800 MHz licensee submitting a notification should include relevant information regarding its system: (i) receiver make and model number; (ii) minimum measured input signal power; and (iii) verification whether the affected receivers meet the minimum performance requirements identified in sections 22.970(b) and 90.672. This information will enable cellular and ESMR licensees to begin an immediate assessment of the nature and scope of the interference and possible abatement efforts and actions.

- *Good Faith Coordination.* As noted above, cellular and ESMR licensees must complete an interference analysis and initiate corrective action within 48 hours of an initial notification by a public safety or CII licensee (and within 96 hours for other non-cellular 800 MHz licensees). The *Report and Order* states that, as part of the interference analysis, public safety, CII, and other non-cellular 800 MHz licensees “are bound by the good-faith obligation to exhibit the utmost cooperation with the ESMR and cellular telephone representatives, including, without limitation, the obligation to timely meet appointments and provide whatever technical assistance is appropriate under the circumstances.” *Report and Order* at ¶ 138. This partnership approach is essential to a timely response to an interference notification, and CTIA urges the Commission to clarify that, in the event that the necessary assistance is not provided, cellular and ESMR carriers are not held to the 48- or 96-hour corrective action requirement.
- *Effective Date for Establishment of Electronic Notification Process.* Section 22.972(a)(2) directs cellular and ESMR carriers to establish a common, unified electronic means for the initial notification. The rule requires that this system be operational no later than 30 days after the effective date of the *Report and Order*. CTIA observes that the industry is working on a single interface, as well as the creation of standard processes and protocols for response, including initial meetings, testing, and documentation. CTIA requests that the Commission extend the operational date to 60 days from the effective date of the *Report and Order*, which will provide needed time to establish effective processes and protocols.

Interference Protection Standards During Transition. CTIA shares the concerns raised by Nextel regarding the interference protection standards during the transition period and supports Nextel’s proposed transition period interference

protection standard. *See* Nextel Letter of Sept. 28, 2004, WT Docket No. 02-55. CTIA notes further that APCO recently stated that it has no objection to the proposal. *See* APCO Letter of Oct. 5, 2004, WT Docket No. 02-55.

Pursuant to section 1.1206 of the Commission's rules, this letter is being filed electronically for inclusion in the record of this proceeding.

Respectfully submitted,

Chris Guttman-McCabe

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